

1 S.101

2 Senator Parent moves that the bill be amended by striking out Sec. 9,
3 effective dates, and its reader assistance heading their entireties and inserting
4 in lieu thereof the following:

5 * * * Act 250 Downtown Exemption * * *

6 Sec. 9. 10 V.S.A. § 6001 is amended to read:

7 § 6001. DEFINITIONS

8 * * *

9 (27) “Mixed income housing” means a housing project in which the
10 following apply:

11 (A) Owner-occupied housing. ~~At the option of the applicant, owner-~~
12 ~~occupied housing may be characterized by either of the following:~~

13 ~~(i) at least 15 percent of the housing units have a purchase price~~
14 ~~that at the time of first sale does not exceed 85 percent of the new construction,~~
15 ~~targeted area purchase price limits established and published annually by the~~
16 ~~Vermont Housing Finance Agency; or~~

17 ~~(ii) At the time of initial sale, at least 20 percent of the housing~~
18 ~~units have a purchase price that at the time of first sale does not exceed~~
19 ~~90 percent of the new construction, targeted area purchase price limits meet the~~
20 ~~requirements of affordable owner-occupied housing under subdivision (29)(A)~~

1 of this section, adjusted for the number of bedrooms, as established and
2 published annually by the Vermont Housing Finance Agency.

3 (B) Rental housing. ~~At least 20 percent of the housing units that are~~
4 ~~rented constitute affordable housing and have a duration of affordability of For~~
5 ~~not less than 15 years following the date that rental housing is initially placed~~
6 ~~in service, at least 20 percent of the housing units meet the requirements of~~
7 ~~affordable rental housing under subdivision (29)(B) of this section, adjusted for~~
8 ~~the number of bedrooms, as established and published annually by the~~
9 ~~Vermont Housing Finance Agency.~~

10 * * *

11 (35) “Priority housing project” means a discrete project located on a
12 single tract or multiple contiguous tracts of land that consists exclusively of:

13 ~~(A) mixed income housing or mixed use, or any combination thereof,~~
14 ~~and is located entirely within a designated downtown development district,~~
15 ~~designated new town center, or designated growth center, or designated village~~
16 ~~center that is also a designated neighborhood development area under~~
17 ~~24 V.S.A. chapter 76A; or~~

18 ~~(B) mixed income housing and is located entirely within a designated~~
19 ~~Vermont neighborhood or designated neighborhood development area under~~
20 ~~24 V.S.A. chapter 76A.~~

21 * * *

1 Sec. 10. 10 V.S.A. § 6081 is amended to read:

2 § 6081. PERMITS REQUIRED; EXEMPTIONS

3 * * *

4 (o) If a designation pursuant to 24 V.S.A. chapter 76A is removed,
5 subsection (a) of this section shall apply to any subsequent substantial change
6 to a ~~priority housing project~~ development or subdivision that was originally
7 exempt pursuant to subdivision 6001(3)(A)(iv)(I) of this title or subsection (p)
8 of this section on the basis of that designation.

9 (p)(1) No permit or permit amendment is required for any subdivision,
10 development, or change to a project that is located entirely within a downtown
11 development district designated pursuant to 24 V.S.A. § 2793, ~~if the change~~
12 ~~consists exclusively of any combination of mixed use and mixed income~~
13 ~~housing, and the cumulative changes within any continuous period of five~~
14 ~~years, commencing on or after May 28, 2002, remain below any applicable~~
15 ~~jurisdictional threshold specified in subdivision 6001(3)(A)(iv)(I) of this title~~
16 or a neighborhood development area designated pursuant to 24 V.S.A.
17 § 2793e. Upon receiving notice and a copy of the permit issued by an
18 appropriate municipal panel pursuant to 24 V.S.A. § 4460(f), a previously
19 issued permit for a development or subdivision located in a downtown
20 development area or a neighborhood development area is extinguished.

1 (2) No permit or permit amendment is required for a priority housing
2 project in a designated center other than a downtown development district if
3 the project remains below any applicable jurisdictional threshold specified in
4 subdivision 6001(3)(A)(iv)(I) of this title and will comply with all conditions
5 of any existing permit or permit amendment issued under this chapter that
6 applies to the tract or tracts on which the project will be located. If such a
7 priority housing project will not comply with one or more of these conditions,
8 an application may be filed pursuant to section 6084 of this title.

9 * * *

10 (v) ~~A permit or permit amendment shall not be required for a development~~
11 ~~or subdivision in a designated downtown development district for which the~~
12 ~~District Commission has issued positive findings and conclusions under~~
13 ~~section 6086b of this title on all the criteria listed in that section. A person shall~~
14 ~~obtain new or amended findings and conclusions from the District Commission~~
15 ~~under section 6086b of this title prior to commencement of a material change,~~
16 ~~as defined in the rules of the Board, to a development or subdivision for which~~
17 ~~the District Commission has issued such findings and conclusions. A person~~
18 ~~may seek a jurisdictional opinion under section 6007 of this title concerning~~
19 ~~whether such a change is a material change. [Repealed.]~~

20 * * *

1 Sec. 11. REPEALS

2 The following are repealed:

3 (1) 10 V.S.A. § 6083a(d) (neighborhood development area fees).

4 (2) 10 V.S.A. § 6086b (downtown development).

5 Sec. 12. 24 V.S.A. § 4460 is amended to read:

6 § 4460. APPROPRIATE MUNICIPAL PANELS

7 * * *

8 (f)(1) This subsection shall apply to a subdivision or development that:

9 (A) was previously permitted pursuant to 10 V.S.A. chapter 151;

10 (B) is located in a downtown development district or neighborhood
11 development area designated pursuant to chapter 76A of this title; and

12 (C) has applied for a permit or permit amendment required by zoning
13 regulations or bylaws adopted pursuant to this subchapter.

14 (2) The appropriate municipal panel reviewing a municipal permit or
15 permit amendment pursuant to this subsection shall include conditions
16 contained within a permit previously issued pursuant to 10 V.S.A. chapter 151
17 unless the panel determines that the permit condition pertains to any of the
18 following:

19 (A) the construction phase of the project that has already been
20 constructed;

- 1 (B) compliance with another State permit that has independent
2 jurisdiction;
- 3 (C) federal or State law that is no longer in effect or applicable;
- 4 (D) an issue that is addressed by municipal regulation and the project
5 will meet the municipal standards; or
- 6 (E) a physical or use condition that is no longer in effect or
7 applicable, or that will no longer be in effect or applicable once the new project
8 is approved.
- 9 (3) After issuing or amending a permit containing conditions pursuant to
10 this subsection, the appropriate municipal panel shall provide notice and a
11 copy of the permit to the Natural Resources Board.
- 12 (4) The appropriate municipal panel shall comply with the notice and
13 hearing requirements provided in subdivision 4464(a)(1) of this title. In
14 addition, notice shall be provided to those persons requiring notice under
15 10 V.S.A. § 6084(b) and shall explicitly reference the existing Act 250 permit.
- 16 (5) The appropriate municipal panel’s decision shall be issued in accord
17 with subsection 4464(b) of this title and shall include specific findings with
18 respect to its determinations pursuant to subdivision (2) of this subsection.
- 19 (6) Any final action by the appropriate municipal panel affecting a
20 condition of a permit previously issued pursuant to 10 V.S.A. chapter 151 shall
21 be recorded in the municipal land records.

1 Sec. 13. 24 V.S.A. § 2792(a) is amended to read:

2 (a) A “Vermont Downtown Development Board,” also referred to as the
3 “State Board,” is created to administer the provisions of this chapter. The State
4 Board shall be composed of the following members or their designees:

5 * * *

6 (12) The executive director of the Vermont Housing and Conservation
7 Board or designee.

8 Sec. 14. 24 V.S.A. § 2793 is amended to read:

9 § 2793. DESIGNATION OF DOWNTOWN DEVELOPMENT DISTRICTS

10 * * *

11 (b) Within 45 days of receipt of a completed application, the State Board
12 shall designate a downtown development district if the State Board finds in its
13 written decision that the municipality has:

14 (1) Demonstrated a commitment to protect and enhance the historic
15 character of the downtown through the adoption of a design review district,
16 through the adoption of an historic district, or through the adoption of
17 regulations that adequately regulate the physical form and scale of
18 development that the State Board determines substantially meet the historic
19 preservation requirements in subdivisions 4414(1)(E) and (F) of this title, ~~or~~
20 ~~through the creation of a development review board authorized to undertake~~

1 ~~local Act 250 reviews of municipal impacts pursuant to section 4420 of this~~
2 ~~title.~~

3 * * *

4 (4) A housing element in its plan in accordance with subdivision
5 4382(10) of this title that achieves the purposes of subdivision 4302(11) of this
6 title and that includes clear implementation steps for achieving mixed income
7 housing, including affordable housing, a timeline for implementation,
8 responsibility for each implementation step, and potential funding sources.

9 (5) Adopted one of the following to promote the availability of
10 affordable housing opportunities in the municipality:

11 (A) inclusionary zoning as provided in subdivision 4414(7) of this
12 title;

13 (B) a restricted housing trust fund with designated revenue streams;

14 (C) a housing commission as provided in section 4433 of this title; or

15 (D) impact fee exemptions or reductions for affordable housing as
16 provided in section 5205 of this title.

17 (c) A designation issued under this section shall be effective for eight years
18 and may be renewed on application by the municipality. The State Board also
19 shall review a community's designation four years after issuance or renewal
20 and may review compliance with the designation requirements at more
21 frequent intervals. Any community applying for renewal shall explain how the

1 designation under this section has furthered the goals of the town plan and
2 shall submit an approved town plan map that depicts the boundary of the
3 designated district. Beginning on July 1, 2023, any community under review
4 or seeking renewal shall comply with subdivisions (b)(4) and (5) of this
5 section. If at any time the State Board determines that the downtown
6 development district no longer meets the standards for designation established
7 in subsection (b) of this section, it may take any of the following actions:

8 (1) require corrective action;

9 (2) provide technical assistance through the Vermont Downtown
10 Program;

11 (3) limit eligibility for the benefits established in section 2794 of this
12 chapter without affecting any of the district's previously awarded benefits; or

13 (4) remove the district's designation without affecting any of the
14 district's previously awarded benefits.

15 * * * Effective Date * * *

16 Sec. 15. EFFECTIVE DATE

17 This act shall take effect on July 1, 2021.